

**Town of Milton  
Planning and Zoning Commission  
Minutes  
May 18, 2004**

**Members Present:**

|                     |                     |                        |                  |
|---------------------|---------------------|------------------------|------------------|
| <b>Dean Sherman</b> | <b>Denny Hughes</b> | <b>Michael Filicko</b> | <b>Herb Dutt</b> |
| <b>Bob Kerr</b>     | <b>Eric Evans</b>   |                        |                  |

**1. Public Hearing on Conditional Use at 606 Federal St. 2-35-20.11 4.00.**

*Application from Cannery Village LLC. for a conditional use in the R-1 District. Request is for the use of a Professional Office.*

Dean Sherman introduced the application and asked if anyone was here to represent the application. Dennis Sabato stated he was representing the application and proceeded to explain the request for a professional office conditional use for 606 Federal Street. After explaining the conditional use the Dean Sherman opened the hearing for public comment. No one asked any questions from the public and the hearing was then closed.

**2. Conditional Use 606 Federal St. 2-35-20.11 4.00.**

*Request for conditional use in the R-1 District. Request is for the use of a Professional Office. The application was filed by Cannery Village LLC.*

Dean Sherman introduced the application and asked if anyone was here to represent the application. Dennis Sabato stated he was representing the application and proceeded to explain the request for a professional office conditional use for 606 Federal Street. Mr. Sabato stated that the conditions that they are requesting are as such:

1. Maximum employees will be 3.
2. Hours of operation will be from 7:00 a.m. to 7:00 p.m. Monday thru and including Saturday.
3. Signage will comply with Section 8.1 of the Zoning Ordinance for the Town of Milton.
4. The nature of the business will be a licensed professional as per the definition in the Zoning Ordinance for the Town of Milton.

Herb Dutt asked if amply parking was available and Mr. Sabato stated that there was amply parking for at least 5 vehicles. Mr. Sabato also stated that they have received their approval from the State Fire Marshal's office. Eric Evans asked the commission if the driveway and parking area should be black topped. Mike Filicko stated he did not think that was necessary. After further discussion Mike Filicko made the following recommendation to go before Town Council:

The conditional use is permitted with the following conditions:

1. Maximum employees will be 3.
2. Hours of operation will be from 7:00 a.m. to 7:00 p.m. Monday thru and including Saturday.
3. Signage will comply with Section 8.1 of the Zoning Ordinance for the Town of Milton.

4. The nature of the business will be a licensed professional as per the definition in the Zoning Ordinance for the Town of Milton.

Denny Hughes seconded the recommendation and all voted in favor of.

**3. Milton Millwork – 227 Milton-Ellendale Hwy 2-35-14.00 94.00**

*Planning and Zoning will review the application from Mill Investment, LLC. for preliminary site plan approval on a building material supply facility. The application was filed by Mill Investment, LLC.*

Dean Sherman introduced the application and asked if anyone was here to represent the application. Dave Failing stated he was representing the application and proceeded to explain the site plan. Mr. Failing gave a brief history on the company and their use of the proposed property. Bob Kerr provided the following comments:

1. Integral curb and gutter is required across the entire front of the property. Location of curbing shall be in accordance with DelDOT requirements. The Sidewalk will be extended across the property from property line to property line.
2. Note 21 of data column should read Town of Milton vice Sussex County.
3. Parking area along route 16 should be moved behind the building setback line.
4. Parking area shall be paved with a suitable weather dust free surface.
5. Consideration should be given to placing the 10,000 sq ft pole building further from the front building setback line. Similar to the setback with the other buildings along 16.
6. Sign details need to be provided with final site plan
7. Exterior lighting plan needs to be provided with final site plan.
8. Landscaping plan needs to be provided with final site plan.
9. Provide a 20 foot wide easement across the front of the property to permit the Town of Milton to extend water and sewer utilities to the west.
10. If the 4" water main serving the property does not meet the requirements for necessary flows the improvements required will be at the expense of the developer.
11. Building height in the data column needs to be corrected.
12. Side yard setback for the property to the west should read 25' and the rear yard setback should read 15'.
13. The traffic generation diagram states 55 mph. and should be verified and corrected.

Eric Evans provided the following comments:

1. Site location for the dumpster needs to be provided.
2. The storm water area needs to be looked at to provide safety for the community.
3. For final approval all outside agency approvals will need to be received and provided to Town Hall (i.e. DNREC, DelDOT, Fire Marshal).
4. Elevation drawings will need to be provided to the Planning and Zoning Commission on the new construction.

After further discussion with the developer the area that was to be fenced in for storage will be changed and paving will go across the entire front of the proposed store and warehouse area. The parking area will be redesigned to have all the parking outside the fenced in area.

Herb Dutt made the motion to grant preliminary approval with the conditions stated and Denny Hughes seconded the motion all voted in favor.

**4. *Preserve on the Broadkill Phase II – 2-35-14.19 140.00***

*Planning and Zoning will review the revised major subdivision and if all conditions are met, may grant preliminary approval. This major subdivision will consist of 21 single family home, building lots. The application was filed by Preserve on the Broadkill LLC.*

Dean Sherman introduced the application and asked if anyone was here to represent the application. Bob Blayney stated he was representing the application and proceeded to explain the subdivision revisions that were previously granted preliminary approval. Mr. Blayney stated the alley has been removed, lots 1 & 2 will now have driveways off of Atlantic Ave. & a buffer will be provided along lots 15 through 21.

Bob Kerr made the following recommendations:

1. The building setback detail should show a 15' minimum setback on corner lots.
2. Correct the notes referring to private open space and change to public open space
3. Note 14, 3<sup>rd</sup> line after the word "within" and before the word "the" insert the words "Phase I of".
4. To help reduce confusion please continue the numbering sequence from phase I.
5. Lot 10 setback line to read 20' along all of valley road.
6. Lot 2 along valley road needs to be adjusted to 15'.
7. Driveway entrance for lot 10 not shown.
8. State in the notes which of the sidewalks to be brick and which to be concrete.
9. A 5' additional right-of-way shall be dedicated to public use per the record subdivision plan along Atlantic Ave and the back of curb line be established at 9 feet from the new right-of-way line.
10. The landscape buffer along Milton Terrace subdivision and behind lots 15 through 21 could possibly be shown as an easement for the H.O.A. to maintain if the property owners along lots 15 through 21 do not maintain the landscape buffer.
11. Note 2 should read the same as section 17-26C Number 33.  
"Subdivision streets constructed within the limits of the right-of-way dedicated to the public use shown on this plan are to be maintained by the Town of Milton following the completion of the streets by the Developer to the satisfaction of the Town. The Town assumes no maintenance responsibilities within the dedicated street right-of-way until the Town has accepted the streets".

After further discussion and review the Planning & Zoning Commission granted preliminary approval for the revised site plan for Preserve on the Broadkill, with Denny Hughes making the motion and Mike Filicko seconding it & all voting in favor.